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PTO/SB/21 (07-06)

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/590,300
		Filing Date	August 23, 2006
		First Named Inventor	Eric T. Fosel
		Art Unit	Not Yet Assigned
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission		Attorney Docket Number	S1509.70037US01

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	<input type="checkbox"/> Return Receipt Postcard
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application		
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
	Remarks	

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	WOLF, GREENFIELD & SACKS, P.C.		
Signature			
Printed name	Tani Chen, Sc.D.		
Date	January 17, 2007	Reg. No.	52,728

#### Certificate of Mailing Under 37 CFR 1.8(a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: 1/17/07

Signature: (Angela M. Griffith)



DOCKET NO.: S1509.70037US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Eric Thor Fossel  
Serial No.: 10/590,300  
Confirmation No.: Not yet assigned  
Filed: August 23, 2006  
For: TOPICAL DELIVERY OF A NITRIC OXIDE DONOR TO  
IMPROVE BODY AND SKIN APPEARANCE

Examiner: Not yet assigned  
Art Unit: Not yet assigned

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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 17<sup>th</sup> day of January, 2007.

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Angela M. Griffith

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MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 C.F.R. §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing of a first Office action on the merits in the above-identified case.

No fee or certification is required.

Serial No.: 10/590,300  
Conf. No.: Not Yet Assigned

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Art Unit: Not Yet Assigned

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>	<u>Atty. Docket No.</u>
08/932,227	September 17, 1997	Eric T. Fossel	S1509.70029US00
10/201,635	July 22, 2002	Eric T. Fossel	S1509.70029US01
10/213,286	August 5, 2002	Eric T. Fossel	S1509.70026US02
11/587,323	October 19, 2006	Eric T. Fossel	S1509.70038US00
11/587,328	October 19, 2006	Eric T. Fossel	S1509.70039US00

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified PTO/SB/08):

FR 5940 is generally directed to a drug containing citric acid and arginine.

FR 2602678 is generally directed to an aqueous pharmaceutical composition based on magnesium, sodium and potassium salts for the regulation of blood circulation.

FR 2740453 is generally directed to L-lysine and L-arginine peptide mixtures for cosmetic use.

JP 9/241156 is generally directed to a blood flow promotor and a preparation for external use for skin containing the same.

PART IV: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

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1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

By:

  
\_\_\_\_\_  
Tani Chen, Sc.D., Reg. No. 52,728  
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Docket No.: S1509.70037US01

Date: January 17, 2007

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JAN 22 2007

FORM PTO-1449/A and B (modified PTO/SB/08)

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

Sheet 1 of 3

APPLICATION NO.:	10/590,300	ATTY. DOCKET NO.:	S1509.70037US01
FILING DATE:	August 23, 2006	CONFIRMATION NO.:	Not yet assigned
APPLICANT:	Eric Thor Fosse		
GROUP ART UNIT:	Not yet assigned	EXAMINER:	Not yet assigned

**U.S. PATENT DOCUMENTS**

Examiner's Initials #	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or Issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
		4,681,897		L. Brand	07-21-1987
		4,732,892		Sarpotdar, et al.	03-22-1988
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FORM PTO-1449/A and B (modified PTO/SB/08)  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				APPLICATION NO.: 10/590,300	ATTY. DOCKET NO.: S1509.70037US01		
				FILING DATE: August 23, 2006	CONFIRMATION NO.: Not yet assigned		
				APPLICANT: Eric Thor Fossl			
				GROUP ART UNIT: Not yet assigned	EXAMINER: Not yet assigned		
Sheet	2	of	3				

#### FOREIGN PATENT DOCUMENTS

		FR	5940		Dufour, C.	04-08-1968	N
		FR	2602678		Drouault, G.	02-19-1988	N
		FR	2740453	A1	Bieuropre Societe Anonyme	04-30-1997	N
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#### OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials #	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
		ARGIOLAS, A., "Nitric Oxide is a Central Mediator of Penile Erection," <i>Neuropharmacology</i> , Vol. 33, No. 11, pp. 1339-1344 (1994).	
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		KLEMP, P., et al., "Subcutaneous Blood Flow in Early Male Pattern Baldness," <i>J. Invest. Dermatol.</i> , 92, pp. 725-726 (1989).	
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FORM PTO-1449/A and B (modified PTO/SB/08)				APPLICATION NO.: 10/590,300	ATTY. DOCKET NO.: S1509.70037US01
				FILING DATE: August 23, 2006	CONFIRMATION NO.: Not yet assigned
				APPLICANT: Eric Thor Fosse	
Sheet	3	of	3	GROUP ART UNIT: Not yet assigned	EXAMINER: Not yet assigned

**OTHER ART — NON PATENT LITERATURE DOCUMENTS**

		MOODY, J.A., et al., "Effects of Long-Term Oral Administration of L-arginine on the Rat Erectile Response," <i>The Journal of Urology</i> , Vol. 158, pp. 942-947 (1997).	
		OWEN, J.A., et al., "Topical Nitroglycerin: A Potential Treatment for Impotence," <i>The Journal of Urology</i> , Vol. 143, pp. 546-548 (1989).	
		PAULY, et al., "Liposomes containing amino acids and peptides and proteins for skin care," (1998) [Abstract only]	
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		Written Opinion for International Application No. PCT/US05/13230 dated October 28, 2005.	
		Written Opinion for International Application No. PCT/US2005/005726 dated August 30, 2006.	
		Written Opinion for International Application Serial No. PCT/US05/13228 dated July 5, 2005.	
EXAMINER:		DATE CONSIDERED:	

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_\_\_\_, filed \_\_\_\_\_, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE – No copies of U.S. patents, published U.S. patent applications, or pending, unpublished patent applications stored in the USPTO's Image File Wrapper (IFW) system, are included. See 37 CFR §1.98 and 1287OG163. Copies of all other patent(s), publication(s), unpublished, pending U.S. patent applications, or other information listed are provided as required by 37 CFR §1.98 unless 1) such copies were provided in an IDS in an earlier application that complies with 37 CFR §1.98, and 2) the earlier application is relied upon for an earlier filing date under 35 U.S.C. §120.]